



June 5, 2020

Ms. Beryl Lipton
MuckRock News
DEPT MR 91448
411A Highland Avenue
Somerville, MA 02144
91448-51231242@requests.muckrock.com

Re: Right-to-Know Law Request No. 2020-0021

Dear Ms. Lipton:

Thank you for writing to the Pennsylvania Emergency Management Agency (PEMA) with your request for information pursuant to the Pennsylvania Right-To-Know Law (RTKL), 65 P.S. §§ 67.101, et seq.

On May 29, 2020, the Agency Open Records Officer of PEMA received your written requests for information. PEMA business offices were closed from March 16, 2020 through May 28, 2020 due to the Governor's directive to close Commonwealth of Pennsylvania business offices in an effort to mitigate the spread of COVID-19 within Pennsylvania. You requested the following:

- The current procedure for procuring personal protective equipment (PPE) on behalf of agencies and entities within the jurisdiction of this office. If this office manages PPE requests for county, local, or private entities, please also provide any guiding material for soliciting, receiving, organizing, and fulfilling those requests.*
- Any bids placed by this agency for the acquisition of PPE for this office or on behalf of any entity within the jurisdiction of this agency.*
- Any available spreadsheet or aggregate information related to bids for PPE. Please provide all available segregable data, including but not limited to the source, the quantity, and the success of the bid."*

PEMA does not have records that you request in its possession, under its custody, or in its control. Pursuant to the Office of Open Records Final Decision in *Jenkins v. Pennsylvania Department of State*, Docket # AP 2009-065, it should be noted that: "It is not a denial of access when an agency does not possess records and [there is no] legal obligation to obtain them (see 65 P.S. §67.506 (d)(1))."

The Department of General Services (DGS) handles purchases on behalf of PEMA for these items and therefore DGS would possess those records, not PEMA. Further, to the extent any responsive records related to PPE distribution exist, the Department of Health (DOH) would possess those records, not PEMA.

In accordance with Section 67.502(b)(1) of the RTKL, I am forwarding your request to the Agency Open Records Officers for both DGS and DOH, as those agencies may have documents responsive

Ms. Beryl Lipton
June 5, 2020
Page 2

to your request. However, no RTKL rights accrue to you against either agency until such time as you make a request directly to that agency that is: 1) in writing; 2) states that it is being made pursuant to the RTKL; and, 3) is addressed to the Agency Open Records Officer of that agency, as follows.

Troy A. Thompson
Pennsylvania Department of General Services
603 North Office Building
Harrisburg, PA 17125
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Facsimile: 717-787-9138

Lisa M. Keefer
Pennsylvania Department of Health
625 Forster Street
825 Health and Welfare Building
Harrisburg, PA 17120
Email: PADOHRTK@pa.gov
Facsimile: 717-547-3075

Respectfully,



Jo Wright
Agency Open Records Officer